

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

NORA M. HAWK

CIVIL ACTION NO. 05-0936

versus

JUDGE WALTER

CENTURY TELEPHONE ENTERPRISES
INC., ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Plaintiff seeks judicial review of her ERISA plan administrator's denial of disability benefits. Defendants filed an answer, and a scheduling order (Doc. 10) issued soon afterward. The order set a trial date and related deadlines. Defendant then filed a Motion for Involuntary Dismissal (Doc. 12) which was denied (Doc. 29).

The administrative record is ordinarily the only information the court may consider when reviewing such a case. It is the plan administrator's obligation to identify the evidence in the administrative record, but the claimant is permitted a reasonable opportunity to contest whether that record is complete. See Vega v. National Life Ins. Services, 188 F.3d 287, 299 (5th Cir. 1999) (en banc); Estate of Bratton v. National Union Fire Ins. Co., 215 F.3d 516, 521 (5th Cir. 2000). This schedule is issued in accordance with those principles.

The previous **Scheduling Order (Doc. 10)** is now **VACATED** and counsel for defendants are directed to deliver a Bates-stamped copy of the relevant plan documents and the entire administrative record to counsel for the plaintiff by **February 1, 2006**. Counsel for the plaintiff should review the record and promptly advise counsel for the defendants of

any contentions that the record is not complete, so that any such issues may be resolved on a timely basis.

The parties are directed to file by **April 3, 2006** a joint stipulation of facts setting out any necessary background facts and stipulating to the submission of the case for decision on the administrative record and plan documents, which are to be submitted along with the stipulation. By **May 1, 2006**, plaintiff shall file her brief on the merits. The defendants' briefs are due by **June 2, 2006**. Plaintiff may file a reply brief by **June 9, 2006**.

The Clerk is directed to list this matter on Judge Walter's next Motion Day thereafter for decision on the stipulated record.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 28th day of November, 2005.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE